IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**HON'BLE SRI DEVINDER GUPTA,**
**CHIEF JUSTICE**
**and**
**HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 16687 of 2004**

Between:

K.V.Narayana Reddy S/o. Sri Konda Reddy
Practising at Markapur, Prakasam District.

**..... PETITIONER**

AND

1 Government of Andhra Pradesh, rep. by its Secretary, Commerce and Industries, Secretariat, Hyderabad.
2 Director, Mines and Geology, BRKR Bhavan, Hyderabad
3 Chairman, NABRD, Mumbai
4 Superintending Engineer, Irrigation Circle, Ongole-573001
5 Commissionerate of Tenders, rep., by its Commissioner, B.R.K.R.Bhavan, Hyderabad.
6 The District Collector, Prakasam District, Ongole.
7 Principal Chief Conservator of Forests, Aranya Bhavan, Saifabad, Hyderabad.
8 Secretary, Finance Department, Govt., of A.P., Secretariat, Hyderabad.
9 Secretary, Revenue Department, Govt., of A.P., Secretariat, Hyderabad.

10 Central Regional Conservator of Forests, Govt., of India, Bangalore.
11 Govt., of India, rep., by its Secretary, Finance, New Delhi.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly one in the nature of mandamus declaring the action of the respondent department in initiating and going ahead with the proposal for the construction of “Sri Ramtheertham Balancing Reservoir across Ongole Branch Canal of Nagarjune Sagar Project" at Cheemakurthy Mandal, Prakasam District, as illegal, arbitrary, contrary to the Public Interest, contrary to the interest of the State and Central Government in terms of revenue losses and consequently direct the 4th respondent to consider re-locating the said Project in any other viable place.

**Counsel for the Petitioner : DR.P.B.VIJAY KUMAR**

**Counsel for the Respondent Nos. 1, 2, 3, 4, 5: GP FOR IRRIGATION & COMM AREA DEV.**

**Counsel for the respondent Nos.6, 7, 8, 9 : None appeared.**

**Counsel for the respondent Nos. 10 & 11: Mr. A.Rajasekhar Reddy, SC for CG.**

**The Court made the following :**

**ORAL ORDER:**

**( Per Hon'ble The Chief Justice )**

**…..**

1. Petitioner is a practicing Advocate and in this petition, purported to have been filed as public interest litigation, he is seeking a Mandamus to declare the action of 4th respondent – Department in initiating and going ahead with the proposal of construction of Sri Ramtheertham Balancing Reservoir across Ongole Branch Canal of Nagarjune Sagar Project at Cheemakurthy Mandal, Prakasam District. It is claimed that such initiation and going ahead with the proposal to construct the Project is contrary to public interest, contrary to interest of State and Central Government and has also sought direction against 4th respondent to consider for relocating the Project at any other place.

2. Strangely enough, before filing this petition on 14.09.2004 petitioner did not bother even to submit a representation bringing out to the notice of the concerned authorities of the alleged lacunae or facts or figures, according to him, to satisfy the respondents that in case Project is carried out at the relevant place, it will be contrary to public interest. This practice of approaching the Court and filing petition as public interest litigation must be deprecated. We would accordingly dismiss this petition. No costs.

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**DEVINDER GUPTA. C.J.,**

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**C.V. RAMULU. J.,**

**Dated: 21.09.2004.**

**VRK.**

To

1 The Secretary to Government of Andhra Pradesh, Commerce and Industries Department, Secretariat, Hyderabad.
2 The Director, Mines and Geology, BRKR Bhavan, Hyderabad
3 The Chairman, NABRD, Mumbai
4 The Superintending Engineer, Irrigation Circle, Ongole - 573001
5 The Commissioner, Commissionerate of Tenders, B.R.K.R.Bhavan, Hyderabad.
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7 The Principal Chief Conservator of Forests, Aranya Bhavan, Saifabad, Hyderabad.
8 The Secretary to Govt. of A.P., , Finance Department A.P. Secretariat, Hyderabad.

9 The Secretary to Govt. of A.P.,, Revenue Department A.P. Secretariat, Hyderabad.

10 The Central Regional Conservator of Forests, Govt., of India, Bangalore.

11 The Secretary to Govt., of India, Finance Department, New Delhi.

12. The Officer concerned, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

13. The Secretary, A.P. State Legal Aid & Advisory Board, High Court Buildings, Hyderabad.

14. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

15. Two CCs to Govt. Pleader for Irrigation & Command Area Development, High Court Buildings, Hyderabad (OUT).

16. Two CD copies.

**HON'BLE SRI DEVINDER GUPTA,**
**CHIEF JUSTICE**
**AND**
**HON'BLE SRI JUSTICE C.V. RAMULU.**

**W.P.NO. 16687 OF 2004.**

**( Order of the Bench delivered by**
**Hon'ble The Chief Justice )**

**Dt: 21.09.2004.**